

Message Text

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ORIGIN PM-04

INFO OCT-01 EUR-12 ISO-00 L-03 AID-05 ACDA-07 MC-02 NSC-05
SP-02 SS-15 CIAE-00 INR-07 NSAE-00 DODE-00 TRSE-00
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FM SECSTATE WASHDC
TO AMEMBASSY ROME
INFO AMEMBASSY LONDON
AMEMBASSY BONN

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E.O. 11652: N/A

TAGS: MASS, IT, GW, UK

SUBJECT: STATUS OF NEGOTIATIONS ON THIRD COUNTRY TRANSFER
ASSURANCES ON JET ENGINE

REF: (A) ROME 19267 (NOTAL) (B) STATE 258324; 263182;
263183 (NOTAL)

1. BRITISH AND GERMAN EMBASSIES HAVE RAISED SEVERAL POINTS
OF SUBSTANCE ON TEXT OF DRAFT US NOTE REGARDING GOVERNMENT
ASSURANCES THAT TECHNOLOGY ASSOCIATED WITH JT-10D JET
ENGINE COLLABORATION AGREEMENT NOT BE TRANSFERRED TO THIRD
COUNTRIES. MAIN POINTS INVOLVE TECHNICAL INFORMATION TO
WHICH AGREEMENT WILL APPLY AND REQUEST FOR RECIPROCAL
ASSURANCES. WE AGREED TO PROVIDE RECIPROCAL ASSURANCES AND
HOPE TO RESOLVE COVERAGE ISSUE SOON.

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2. WITH RESPECT TO PROCEDURES, UK DRAWS DISTINCTION AMONG
DIFFERENT TYPES OF INTERNATIONAL AGREEMENTS AND HAS THERE-
FORE SUGGESTED THAT ASSURANCES REQUESTED TAKE FORM OF
MEMORANDUM OF UNDERSTANDING (MOU) OR CONFIDENTIAL LETTER
RATHER THAN MORE FORMAL EXCHANGE OF NOTES. ISSUES IN

CURRENT AGREEMENT HAVE BEEN TREATED AS UNCLASSIFIED AND IT WOULD BE DIFFICULT AT THIS STAGE TO JUSTIFY SECURITY CLASSIFICATION. EVEN IF DOCUMENT IS CLASSIFIED, ITS CLASSIFICATION WOULD BE SUBJECT TO REVIEW UNDER A FREEDOM OF INFORMATION ACT REQUEST.

WE HAVE TOLD BRITISH WE DO NOT OBJECT TO MOU PROVIDED DOCUMENT CONTAINS THIRD COUNTRY ASSURANCES WE REQUIRE. BRITISH ALSO INFORMED USG DOES NOT DISTINGUISH BETWEEN EXCHANGE OF NOTES AND A SINGLE TEXT AGREEMENT SUCH AS MOU. FURTHERMORE, US LAW REQUIRES THAT GOVERNMENT-TO-GOVERNMENT AGREEMENTS OF TYPE CONTEMPLATED (WHETHER IN FORM OF NOTE OR MOU) BE REPORTED TO CONGRESS AND PUBLISHED IN TIAS (TREATIES AND OTHER INTERNATIONAL ACT SERIES. WE HAVE NOT YET REACHED FINAL AGREEMENT ON FORM.) UK (AND PERHAPS FRG) MAY INSIST ON MOU.

3. ACTION ROME. BRITISH AND GERMAN AGREEMENTS WILL BE CONCLUDED IN WASHINGTON. WE HAVE TAKEN POSITION THAT AGREEMENTS WITH EACH OF THE THREE GOVERNMENTS NEED NOT CONTAIN IDENTICAL LANGUAGE OR BE IN IDENTICAL FORM. SINCE GOI HAS STATED IT ACCEPTS TEXT OF DRAFT US NOTE, EMBASSY IS AUTHORIZED TO CONCLUDE EXCHANGE OF NOTES AUTHORIZED STATE 258324. IF GOI PREFERS MOU, PLEASE REPORT PROMPTLY AND APPROPRIATE FORMAT WILL BE PROVIDED. EMBASSY MAY DRAW ON INFORMATION PROVIDED PARAS 1 AND 2 ABOVE AT ITS DISCRETION.
KISSINGER

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Message Attributes

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